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634 such public property as forests, and controls the civil police force. The administration of justice is divided between the Magistrate, the High Court, and the Garrison Commander. The position of the latter is anomalous since his power is derived from the application of Martial Law to the crimes of banditry and high treason. This is a temporary measure for the pacification of the country, theoretically terminable when order has been completely restored, but likely to last in practice for many years yet. The reason is not so much that the country is disturbed, for banditry has been stamped out in western Yunnan, but that this power derived from martial law is in fact a legalisation of the usurped power of the military authorities originating in the years of turmoil which followed the revolution.

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Martial Law applies to banditry, which is defined as robbery under arms, with or without murder; and high treason, which means in practice armed opposition to the government, conspiring against the government, or—up till 1937—assisting or belonging to the Chinese Communist Party. This last offence is only of academic interest in the Ta Li region, which was never affected by the Communist movement, and since the agreement between the Communist rebels and the Central Government upon the outbreak of war with Japan, it is no longer a crime to be a Communist. Criminal offences not included in the scope of Martial Law, such as murder without intent to rob, robbery without arms, seduction of an unmarried girl, forgery and embezzlement are tried by the Magistrate in his court. Sentence of death has to be confirmed by the Governor of the Province and is then carried out by the military authorities.

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The Chinese reformed civil code is in force in Yunnan, but in out of the way areas such as Ta Li, where the provisions of the new code are usually very little known either to the public or to the officials, the actual practice of the

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courts does not always conform to the enlightened ideas of the legislators. It may well be that an older spirit of compromise on the one hand, and of severity towards socially condemned crimes on the other, still pervades the law as it is applied from day to day. This is illustrated by the kind of sentence imposed for murders of different types. The murder of a near relative, father, mother, brother or sister, a crime abhorred by the Chinese, is punished with death. But the murder of one who is not related to the criminal, even though the crime may have very little palliating or extenuating circumstances, is often only punished by a sentence of five or six years' imprisonment. The prisons of Yunnan are for the most part well below the standard which the government desires to see enforced, and a sentence of some years in prison is therefore not so light as it may seem.

Civil disputes and lawsuits not involving criminal offences come under the jurisdiction of the Branch High Court situated at Ta Li. This type of jurisdiction is of course part of the reforms instituted by the Republic, and the law applied is the new reformed civil code. The Branch High Court has jurisdiction over a much wider area than the *Hsien* of Ta Li itself, for it covers all civil cases of importance brought in the *Hsien* between Pao Shan in the west, Li Chiang in the north, Meng Hua southwards, and Ch'u Hsiung to the east. These places, the nearest to have Branch High Courts themselves, are each about a hundred miles from Ta Li. A civil dispute arising in Erh Yuan or Chien Ch'uan has thus to be brought before the Ta Li Branch High Court, if the parties cannot compose their differences with the aid of arbitrators. The Min Chia, like the Chinese, are not at all a litigious people, always preferring to settle their disputes by arbitration if possible, and only resorting to the courts in the last instance. The cost of litigation in the civil courts, though not high by European standards, is a further deterrent. The ad-

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comer of the /48/ tent, which is the home of Yu-la. The fur of all kinds of domestic animals is used, and a tuft of hair is plucked out of each animal for this purpose before it is sold or slaughtered. Thus the bundle constantly increases in size. After a meal, tea, butter, and milk are smeared on the bundle of hair for the house god.

On the altar which is found in every tent stand small statues made of bronze or brass of the Lamaistic deities. The god that seems to be most popular here is called Dzam-la. He corresponds, allegedly, to Ts'ai-shen, the god of wealth (2) of the Chinese popular re-

2. Compare Wadell, page 370.

ligion; in accordance with Lamaistic custom, water is regularly offered to this god. Another god much venerated is one that is thought of as dwelling in hell and judging the souls of the dead. He corresponds to the Chinese Yen-lo-wang. The "horse god" (Chinese: Ma-wang-yeh, Tibetan: dam-dzen) who is also worshiped in the Lamaistic temples is offered sacrifices by the sorcerers, especially when there is threat of war. He has three heads and is represented in union with its Çakti (female principle). Ts'ai-shen and Chia-shen are worshiped by men and women alike.

I did not learn anything about a worship of the heavens among the Fantzu, nor of the sun, moon and stars.

After death the soul of the deceased can turn into an evil spirit. It can descend into hell (Tibetan: nal-wa), where it is adjudicated by the judge of hell (Yen-lo-wang, Yama). But just as in China, there is a parallel belief in Buddhistic transmigration of souls, and no one is aware of any inconsistency. If a person has led a good life, he can be reborn as an incarnation (fu-yeh), if he has been bad, he becomes a woman or an animal (bovine, horse, ox, sheep). Here the belief in the transmigration of souls is sometimes confused with the belief in evil spirits into which the souls of persons who have died a violent death are transformed.

/49/ A characteristic incident had just occurred among the Mewu-Fantzu:

The t'ou-mu of the Mewu-Fantzu had a younger brother with whom he had quarreled seven or eight years before about the rule of a group of Fantzu. He had had the brother treacherously killed one day when the latter was riding across the steppes. A short time afterwards, groundhogs dug a passage behind the t'ou-mu's house with an opening inside the enclosure of his property. This was a surprising

682 and unusual thing, considering the shy nature of groundhogs. The
775 chief immediately feared that his brother might be among these groundhogs, and proclaimed a general law against groundhog hunting. This law was still enforced, although the sale of groundhog pelts brings in quite a bit of money. It probably means that the Fantzu shared or at least understood the fear of their chieftain. On the other hand, according to primitive ideas of justice, the assassination was in no way avenged, since this would have been exclusively a matter that concerned the family of the victim.

769 Ancestor worship is different from that of the Chinese. There are no ancestral tablets. In the Mewu-Fantzu dialect the ancestors are called xŏŭ. After the father or mother has died, he or she is venerated by daily sacrifices in front of the tent. Later this sacrifice is made only on the 1st, 8th, 15th and 29th of the month, and then it is gradually abandoned.

791 Just as Taoist and Buddhist priests take part in exorcism, the propitiation of offended spirits and the casting out of evil ones, so Tibetan sorcerers and lamas are enlisted for this purpose. The sorcerer corresponding to the Taoist (tao-shih) or exorcist (kan-kuei-hsien-sheng) of the Chinese popular religion is called no-hua by the Tibetans and "böm-bu" (local pronunciation) by the Chinese. Thus he is a priest of the Bon religion. He wears his hair /50/ long, and is adorned with a special head scarf. (1) There are no different kinds

1. Compare Hoffmann 9), page 137 (names), page 197 (relations to shamanism).

of böm-bu. Not every tent community has a böm-bu, and unfortunately there was none in the community I visited. The böm-bu is married and his profession - the art of carrying out exorcistic rites and writing incantations to ward off spirits - is handed down from father to son, but not to daughter or son-in-law. The altar in the tent of the böm-bu contains the customary small statues of gods and bowls for the sacrificial water, as well as a large Chinese brush with which he writes his incantations, and a long row of copper coins. He always has prayer books, although the laymen say that many böm-bu cannot read their prayerbooks, but only leaf through them. On the other hand, I was told that the böm-bu are able to understand the sacred writings of the lamas, but that, conversely, fewer educated lamas understand the sacred writings of the böm-bu. In spite of the high esteem in which the lamas are

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682 Quarrels leading to murder happen more often, according to my interpreter, among the Mewu-Fantzu than among the neighboring Chinese. The Fantzu above all tend to become brutal when they are drunk. Murder also occurs. The motive for murder is either jealousy or covetousness (murder attended with robbery). It also happens that a man shoots another because he honestly believes he has been harmed by him through magic.

682 628 If a murder has been committed, the family of the victim does not relax its efforts until it has revenged itself on the murderer, if possible by killing him. Blood revenge is taken also if murders have been committed in a state of intoxication or if a person suspected of black magic has been murdered. If /82/ blood revenge is not taken, one loses respect. However, blood revenge rarely occurs in actual fact, for the murderer usually flees beyond the borders of the tribal territory, seeking refuge with some other tribe. If the murderer is caught before the victim's family was able to carry out blood revenge, he is first of all soundly thrashed and held captive until he can pay a penalty of 80 yaks. Thereupon he is banished from the tribal territory for four years. There is no death penalty inflicted except by the clan of the blood avengers. The property of the murderer is seized if he was captured or if he escaped. Blood revenge is not considered murder and is not punished. The custom of blood revenge among the Mewu-Fantzu is thus already very much mitigated. It seems to be largely replaced by an indemnity in the form of yaks. For example, if a member of a ts'aowa group kills a member of another group, the two ts'aowa chieftains decide on the indemnity, which is usually a penalty of 80 yaks, at least 40 of which must be first-class, the rest can be less good. If the relatives of the murderer cannot meet the payment in full, the entire ts'aowa group to which the murderer belongs must make up the rest.

421 233 Foremost among the property rights of the nomads is, of course, the question of the right to pasturelands. The pastureland is divided among the individual tent communities by the t'ou-mu. The land used for planting oats near the winter pastures is divided among the individual families. There is enough land for planting oats, and everyone can cultivate as much as he needs for his stock. The t'ou-mu divides the various families into tent communities. The lamaseries have their own pastures for yaks; they do not raise sheep. The boundaries of the pasturelands of individual tent communities must be respected just as strictly as those of the entire